

Supreme Court, U. S.
FILED

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MICHAEL RODAK, JR., CLERK

Supreme Court of the United States

Minnie Bryan Breza

vs. Appellant

No. 77-1188

City of Trimont

Appellee

ON APPEAL FROM THE SUPREME COURT OF

THE STATE OF MINNESOTA

APPELLANT'S BRIEF IN OPPOSITION TO APPELLEES'
MOTION TO DISMISS APPELLANT'S JURISDICTIONAL
STATEMENT AND APPENDIX

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C O N T E N T S

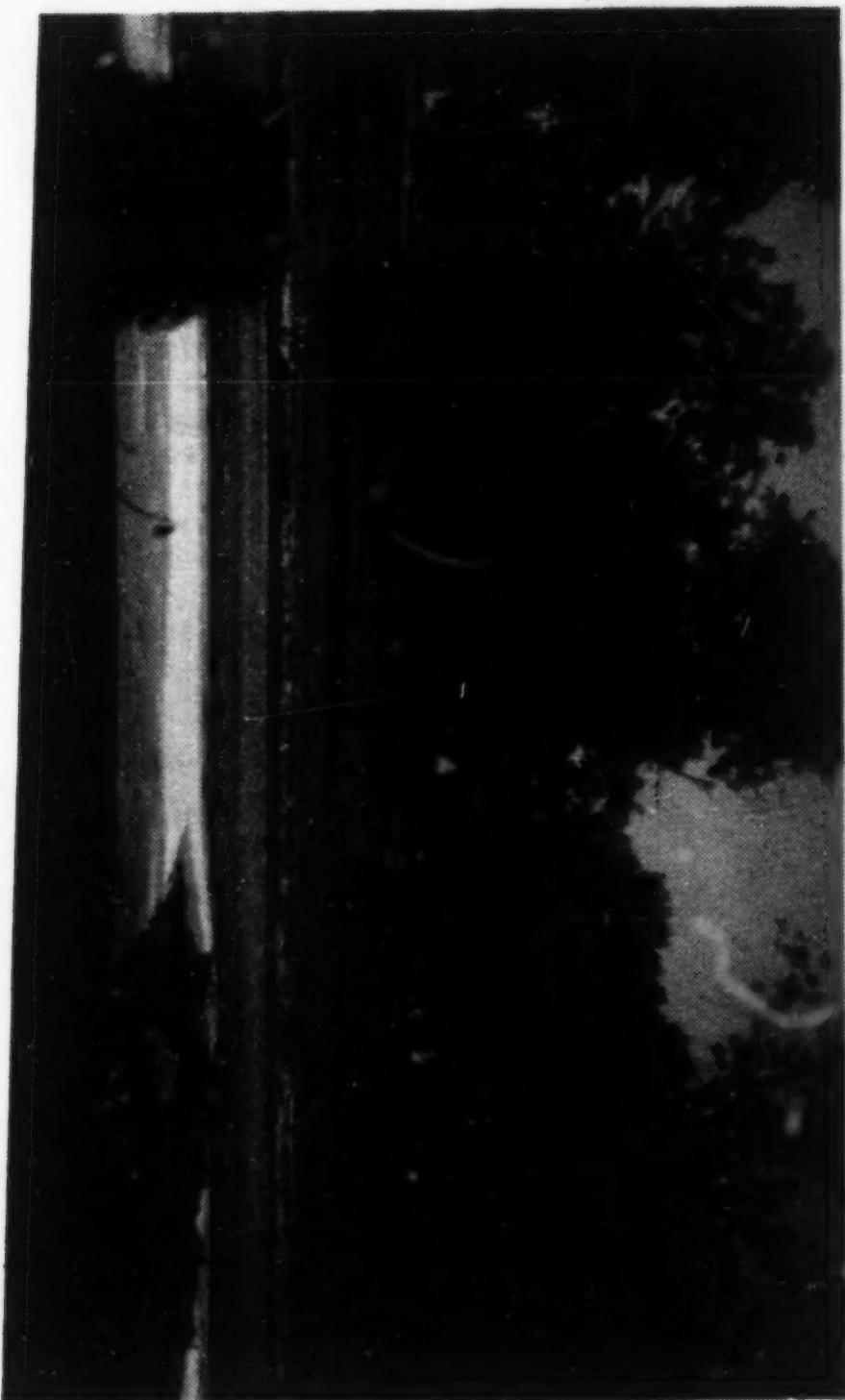
	Page
Concerning Inspector and Trip to Property	2
Pictures of House, drive entrance,	3
Park across the street & "	4
Being on Crutches in Trimont to see the property	5
Picture of Street Sewer Tile in front of house in Trimont.	6
House being entered & damaged Or contents taken or destroyed.	7
Taking my compost heap. & children. ^{ab}	7a
Chief of Police granted permission to erect metal Storage Building.	8
Concerning picture of inside my house after it was entered.	9
Picture of up-ended furniture	10.
Concerning preparations at secure- ing building.	11.
Refusal by Atty. James Wilson to correct transcripts, procedure	12.
Appreciation of front window opening on city park for safety.	13.
Pictures of Garage, light post past corner of house, which necessitates removal of Walnut t tree, besides it being too close to my bearing plums, apricots and apples and grapes, And hopefully soon to be pears. And 2x8s and ends, & 2x4s having been removed from it. that I had installed in my repairing of the roof on it.	14.

Whether, if an inspection of a private home owner's home and garage was considered necessary, a home owner could secure a professional full time inspector, from the state to come at a time when she would be there and could have a relative or lady friend there with her, if the town was too small to have a professional full time inspector of its own who would be impartial in his inspection.

Per this picture of my garage, besides my hasp and padlock having been removed, also my mercury with a carrier top building ramp substitute, which I had parked inside of it has been removed, and even the two spiked together 2X8's endways across the center and the 2x4's on each side of that as well as the pointed upward in the center ends on up from the 2x4's across the ends on which my newly installed 2x8's and 2x4's rest at the ends. so it looks from this picture which my neice, who went there with her father after I had told of being stopped on the left hand side of number 4 highway by a trimont, policeman, Sandmeyer, who had said in an ordering sounding voice, "You're not going over to Sherburn. to which I answered that I had not intended to, that I was taking a copy of an extension of time for docketing my jurisdictional statement over to the City Clerk. And that though he became interested in that paper of such entension of time, and came to the Post office where I went to mail it, and copied down the Judges name from it, and signed that he had seen me post it in the mail, I did not feel that such was other than a temporary postponement of what ever he had in mind, concerning his Order that I wasn't going over to Sherburn. And have been afraid to go and look at my garage.



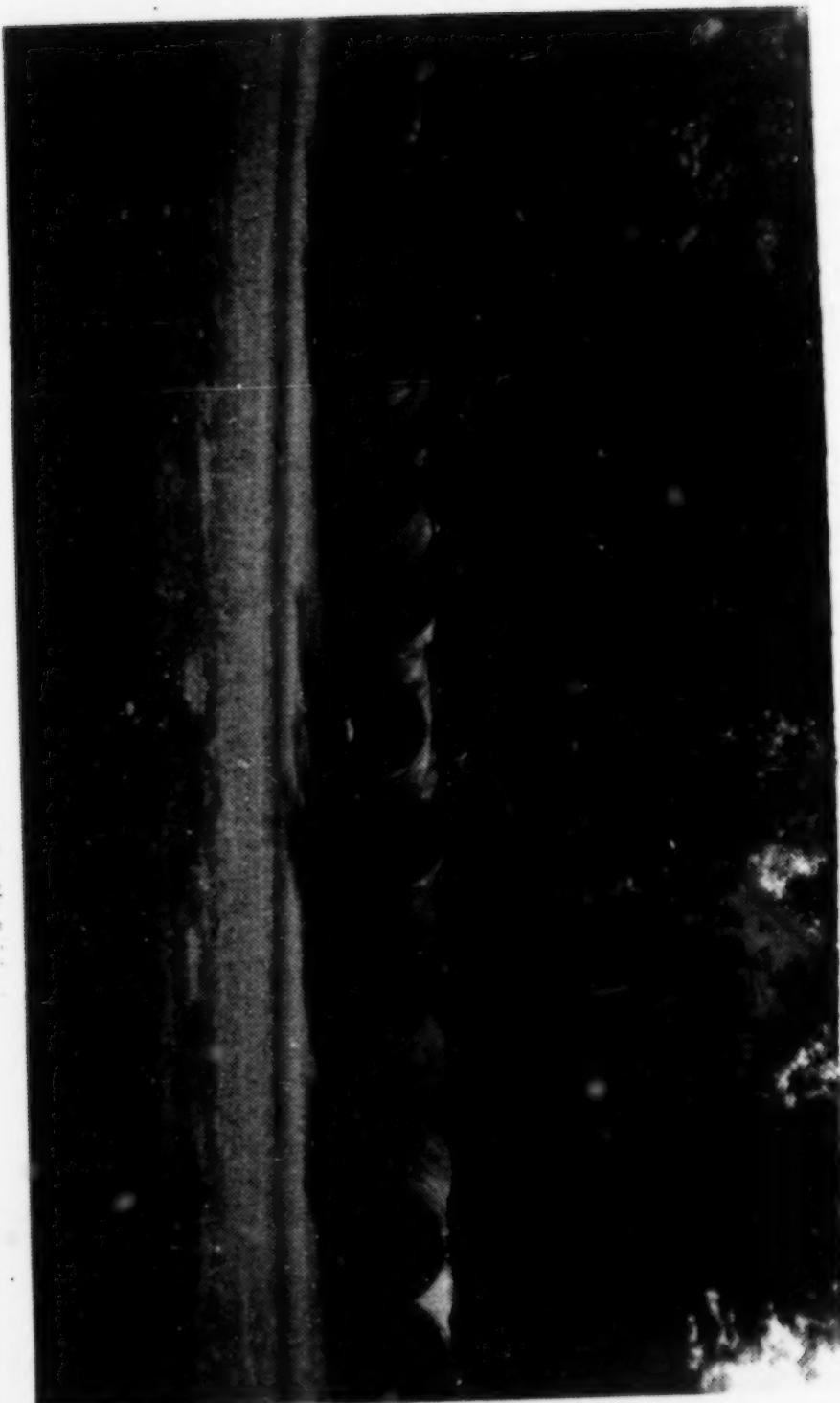
4.



Being told that I was not going over to Sherburn, in an ordering, tone of voice by a Trimont Policeman, when I was walking on my crutches on the left hand shoulder of Number 4 Highway through Trimont, has remained me of a happening in Minneapolis, not long after the second world war.

A lady living across the hall from me, A. Hattie Sharp had a neice, Tootie, who owned a rooming house and who bought Hattie a great many things. I understood Hattie had formerly been married to an Abarnathy, and had a son or step-son, who was then a grown man with children, living a couple of blocks away.

Tootie, a lady of about 40 years, sold her rooming house, for cash I guess, and was going to buy a larger one which she would then make payments on to finish paying for it. I understood that her relatives did not favor the transaction, anyhow Hattie's son. But that Tootie was still going to do so. On the day that she had an appointment to sign the papers, for the larger one, she was held forcibly by the sharp end of an iceman's, block of ice carrying, tongs, in the basement of the house the Abarnathies were renting to live in, at her throat. Mr. Abarnathie worked as an iceman. I do not know if I am spelling that name Abarnathey right nor remember any first names. I heard that the day after that there was a hearing down in the court house from which Tootie was sent to a state mental hospital. Her Aunt Hattie told of going out to see her. Cf Tootie begining to be put in the car and brought back to Minneapolis, with her. and saying that she knew she would not be able to keep on living if she could not get out of there. That was after Tootie had been in there for several months.



7.

Whether it is not a violation of the fourth and fourteenth Amendment for government to break into a private home closed up for the winter, or any part thereof, securely padlocked. And also the padlocked garage..and remove private property, and even parts of the home its self. Whether it is not a violation to break into securely padlocked storage rooms, after they have broken into the home proper, and remove and do destruction to their contents. The new chief of Police had said that he went into the one (evidently not knowing there were two at that time) room upstairs when he went into my house soon after his coming to Trimont, because he wanted to see for sure that there was no one in it. But with those two storage rooms upstairs securely padlocked on the outside there could not be that reason for entering..

Concerning a 30 day without power limit on a motor vehicle at a residence in Trimont. My only income is roughly \$200 a month, and repairs could be more than I could put forth in a thirty day period onto fixing my pick-up into a running condition. If I read that ordinance right, after thirty days it would then be in violation. And if convicted, each day of such would be an additional 90 day sentence, or an additional \$100.00 fine. Maybe if they thought one could not live long enough to serve those 90 day sentences they would take the property to satisfy the \$100 a day fines. Whether there is not some law to keep Government personnel from doing such to ones property which would cause it to not conform to City Ordinances.

7 a.

A few days after getting the place, three small children came along behind me on the sidewalk and the smallest one, about two years old said, in a voice that told so plainly of his hoping, and longing to be accepted that it would break a persons heart, "Ma ma".

I didn't turn around to where they were. When I asked Mrs. Rohman concerning it. She said those were the children of the lady that had lived in the house and they were staying with the family with all the children, next door. That it was bigger kids that their mother had let hang around. After a time I heard that they had been adopted, each by a different family, and when I asked Mrs. Rohman about that she said their mother had been going with a Mexican who worked for Tony Downs, (a frozen Pot Pie concern) that it would be a shame to let those little boys be taken to Mexico. When I was telling my sister who works at the Mpls. Main Post Office about that, she asked, Isn't Tri-mont in the U. S? What's wrong with Mexico? She had been on ABC also when her children were smaller. Her children are grown now, the boys both were in the armed services, one for two hitches, one in Viet nam and one in Koreah, and her daughter does welling, and has a place cut of town with her mother where they have about twenty horses, also. The un-truth after untruth they testified to under oath in the hearing, would cause me to fear greatly letting any of them or any they should ask for into my property when I am or am not there or even being in the presence of without a judge or someone whose truthfulness I could depend on being present. I do not let men in.

7 b.

Trimont worker hauled my Compost heap Container Tractor tire away and on my request to bring it back did not return it.

Trimont Officials hammered handle from refrigerator, testified in court that latch had been on, and such made it safe. Latch was off. If it had been on it would have become more dangerous as I spent many, many minutes with screwdriver opening refrigerator in resturant that had lost its outside handle. And children are invariably able to get into anything if it is a question of ability instead of reason not to, do so.

Trimont Officials complained of my self propelled mowers being kept in my living room when I was out of town. Eight children next door, from 2 up and they sometimes started one for me. made keeping them inside my house where they never, never went. the sensible thing to do. As even if my door was not locked they still did not enter it.

Though I had complied with the Order of Judge before he had made the order and had no hazardous conditions possible around it did not seem to be accepted as such so I kept trying to do more to meet with what ever they might desire in mechanical endeavors. having been an Aircraft mechanic in WW2, I felt the know how when I had the strength. I still am on crutches.

Their untruthfulness at hearing made me know the need for a State professional Inspector at any inspection. Whether I could be permitted to call such, if I were to provide such, inspection. I passed teaching part of Gov. Aircraft teacher while there but fell short on aircraft knowledge, part. partially on safety of pupils.

In the Trimont Progress of Thursday, November 24, 1977, under Trimont Council Minutes, of the 17th day of October, 1977, at 7:30 P. M. o'clock was-

A motion was made, seconded and carried, to have the Clerk contact the City Attorney Jim Wilson, in regard to his contacting Minnie Breza and give her 20 days to remove personal property from her premises.

A motion was made, seconded, and carried to grant a building permit to Tom Larson to place a metal storage building valued at \$140.00 on his property.

Tom Larson is that new, as of June 1976, Chief of Police, who on June 7, 1976 went in into my my house, claiming it was open to trespass, even though it had not been broken into, nor no one else had been into it.

I have wondered if that motion concerning personal property from my premises could have been intended-to put my bycicle inside-if I wished to retain it. I found that my bycicle was gone from my back yard near my back door, and have read that any unauthorized outside storage is considered as refuse. Although the mother of the 8 or 9 children next door works in the nursing home, where the City Clerk also works, each of her children have a bycicle much fancier than mine is.

I had received. JOHNSON, PERENS & WILSON Attorneys at Law, Fairmont, Minn. Oct. 25, 1977
Dear Mrs. Breza.

This is to advise you that the Trimont City Council met Monday evening, Oct. 17, 1977 and moved to grant you 20 days from October 17, 1977 in which you may remove the personal property you wish to have from your Trimont Residence.

Any personal property not removed by November 6, 1977, will be removed by the City and sold at Public Auction.

This is one of the pictures my neice and her father took, showing the corner of my living room from which they had removed my picture window from the inside and also my stained glass window across the top of it. my venitian blinds and had left the table on which my Hi-Fi had set turned up side down, the easy chair next to it on its back, my davenport standing on one end, my type-writer table, upon which my electric caculator had been setting, turned up side down, and either one of my electric fans or my space heater laying on its side, it looks like. the rest of the things that were left in the house were either in such disarray or degree of broken-ness. The Monday after they had, I guess held a sale of things from my house I had received a certified copy of their going to hold such sale from the City Clerks Office. and according to it, such sale had included my furnace which I had found was taken out of where it was below the floor along with its grill through which its forced air came. and my basement door to the living room had been broken off and laid over that hole in the floor. My fuel tank two thirds full of fuel oil was also taken, and my wall cabinets pulled from my kitchen walls and gone. My papers were, of course, the most badly wanted of the things that had been taken from inside of my house, even more so than my set of sterling silver flatware, and furs and clothes and furniture, and office disk and appliances. This garage picture shows the little walnut tree at the end of it that I had written to Commissioner Leonari that Trimont could have, if they didn't break my cement floor of the garage while digging it up. if they wanted it and the mulberry near it, and did not charge me concerning it.



The middle of the week after Hattie returned from the State Hospital without bringing Tootie with her, she received the news that tootie had passed away. She said they had an autopsy and found that Tooties ^{brains} were entirely scar tissue.

I have never heard of a case that I know of, about anyone being sent to such by entirely government, on any level. But that Ordering tone of voice from such, "That I wasn't goin^z over to Trimont." was exceedingly frightening. I was very thankful to have had that communication from Justice Blackmun, which the policeman examined, and when over in the Post Of^cice, Copied down the name, into his records, from it. The time for docketing an appeal in the above entitle^d case is hereby extended to and including February 17. 1978.

Harry A. Blac^man

When I was down to my house in the first part of November 1977, I noticed that my bycicle was missing from out near my kitchen door, in behind my house. And before I left there on November 8th or 9th. I put my lawn mowers, which were self propelled, and I had been keeping in the house when I was not there, for the safety of the children next doqr, who had sometimes helped me start one of them, out into my kitchen, as the Chief of police had complained of my lawn mowers being in my living room at the time he had entered my home, at the Hearing in Fairmont ad I put my television in the living room up onto a television stand, as he had complained of it being setting on the floor in my living room. I had made sure nothing was on any stair step, nor nothing was in any central part of my living room, and I had put new heavy hasps and new padlocks, on my front door, my outside basement door each of my storage rooms upstairs, and my bathroom upstairs also. I had put my Black and Decker rotory Saw up stairs in nne of my storage rooms. And also had put my papers from my filing cabinet, next to my desk in my living room, that were of great importance upstairs in the front storage room which I had padlocked securely, that in ~~an~~ event that the downstairs got broken into they would be sure to be secure. I had nailed the back door securely closed by spikes slanted into the door frame ~~inside~~. put screws or nails at the top of each downstairs window to keep each from being opened upwards or downwards. and had put a new heavy hasp and new padlock on the garage door also. And nailed the one for people entrances near the alley end, securely closed.

12.

After the personal property has been removed and sold from your Trimont property the City will proceed to tear down the house and garage. Yours very truly,

James A. Wilson

cc; Bert Christiansen, Mayor of Trimont
Norma Gates, City Clerk, Trimont.

JPHNSON, PERENS & WILSON

October 28, 1977

Dear Mrs. Breza:

RE: City of Trimont v. Breza

Received your materials in your October 19, 1977 mailing, regarding amending or correcting the transcripts.

I will not agree to any changes in the District Court Transcript. Please bothering me with your nonsense.

Yours very truly,

James A. Wilson

cc: Bert Christiansen, Mayor, Trimont, Mn.

But it also doesn't seem that a Banker, Even Don Wellner, of the Farmers State Bank of Trimont, would receive a pile of cash with a deposit slip made out in duplicate, through his tellers window and then walk away and go and stand in another window, and not come back, and when followed up would not look at or pay any attention to the one who had turned that cash in. And when asked about that deposit of that day by an officer of the bank, who had assured me that they do not receive cash deposits there often enough but that it would be remembered, said defensively that he had so many entries to make every day, that how could he remember a certain one of them. It was unusual to have just myself and that Don Wellner in sight in the bank

I wonder if maybe others weren't peeping out from in back to see if he could keep from giving me a receipt, after having heard me tell him, sounding kind of panicly at a former time that I had not known of there being a carbon paper in the front of the book of deposit slips, after which the girls had given me back my copy of the deposit slips un initialed, but had their deposits entered on the statements I had received. On believing I heard someone on my stair steps in the middle of the night after that, I became very fearful of what that Don Wellner might do, and had sent a copy of my statements from that bank with the letter from its president claiming that such couldn't take place in his bank to Humphrey, asking him to retain them in the event that I did not live until I was able to do something about such. And I would barricade the door and stay upstairs in the store room with a window overlooking the park, at which I believed many of the houses circling the park would be able to hear my screams if he might possibly get in and try to bust down the door, where I would read or type all night and wait until it began to get light before I would get any sleep. Banking has become so sophisticated (Things might be procedure) as has many things, though having differences of procedures, I read that Mr. Walt Anderson sold his OUR OWN Hardware and feel badly having admired his solid dependability, of forming my kitchen eaves to my specifications looking at my car that was backed into, and listening while I told of Don Wellner, of not wanting him to be on the City Council. Read that Police Chief Tom Larson resined to take over distributor ship of Cake Grove Dairy, recently purchased from Phil Anderson.

14.

